

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BARRY S. ZEFF,

Plaintiff

v.

UNUM PROVIDENT CORPORATION;
and UNUM LIFE INSURANCE
COMPANY OF AMERICA, INC.,

Defendant

Civil Action No. 04-12453-MEL

Now come the Plaintiff, Barry S. Zeff, and the Defendants, UnumProvident Corporation, and UNUM Life Insurance Company of America, in the above-entitled matter and hereby stipulate and agree, pursuant to Fed. R. Civ. P. 41, that the above-entitled action, including all counts of the Complaint, and all claims and counterclaims which actually were asserted or which could have been asserted, shall be dismissed with prejudice, without costs to any party, and waiving all rights of appeal.

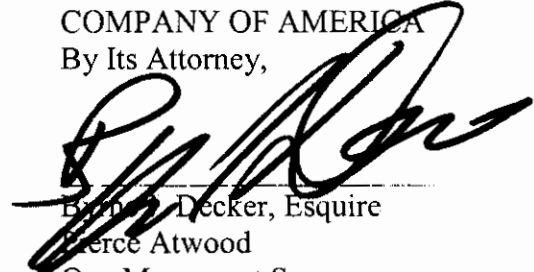
Respectfully submitted,

Barry S. Zeff
By His Attorney,



Richard K. Latimer, Esquire
Kistin Babitsky Latimer & Beitman
Box 590, 13 Falmouth Heights Rd.
Falmouth, MA 02541

UNUM LIFE INSURANCE
COMPANY OF AMERICA
By Its Attorney,



Pierce Atwood
One Monument Square
Portland, ME 04101

DATED: September 26, 2005